

### **REMARKS**

Claims 14-19, 22-24, and 26-33 are pending herein. Claims 14 and 26 have been amended to more clearly reflect the invention as intended and described in the specification. Applicants believe these amendments are in accordance with Examiner's remarks in the Office Action mailed May 7, 2009, as well as an agreement reached between Applicants' undersigned representative and Examiner Nguyen during a telephonic interview on June 23, 2009.

Examiner Nguyen is thanked for courtesies extended to Applicants' undersigned representative during this telephonic interview of June 23, 2009. The contents of the interview have been incorporated into the following remarks.

During the telephonic interview, Examiner Nguyen agreed to withdraw the finality of the Office Action mailed May 7, 2009.

Claims 14-19, 22-24, and 26-33 were rejected under *§103(a)* over Sadamasa in view of Richardson, and further in view of Howell. This rejection is respectfully traversed.

Amended independent claims 14 and 26 each recite, in relevant part, a catheter comprising a shaft, a tip at a distal end of the shaft having a tapered portion, and a distal terminus, and an untapered length of shaft is adjacent to tapered portion opposite the distal terminus. The catheter further comprises two or more lumens, the lumens spaced apart from one another such that a periphery of one lumen is spaced apart from a periphery of another lumen by a predetermined distance in the untapered length, a corresponding distance between the periphery of said one lumen and the periphery of said another lumen in the tapered portion being different from the predetermined distance in the untapered portion.

Examiner Nguyen is respectfully requested to note that an important aspect of the present invention is that the diameter of the lumens remains nearly constant through the

tapered portion of the catheter. This can be assured through the manufacturing process shown in Fig. 6B where forming mandrels 60, 62 remain during the drawing process.

Accordingly, **the distances between the peripheries of the lumens** (e.g., 104 in Fig 9A and 114, 118, 126 in Fig. 9B (shown below)) are reduced in the tapered portion.

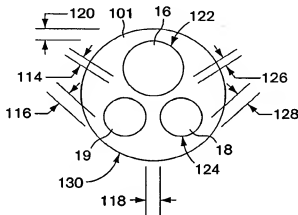


Fig. 9B

In the Office Action, the PTO alleges that Sadamasa discloses that "the diameter of lumens are smaller than the diameter at the untapered portion, thus, the **distance between the center of one lumen to the center of another lumen** at the distal tip is smaller compare[d] to the **distance between the center of one lumen to the center of another lumen** at the untapered portion" (Emphasis added).

Applicants respectfully submit that the claim amendments reflect Applicants' originally intended meaning that the lumen is the entire opening, such that the distance one lumen is spaced apart from another lumen is the wall thickness between the lumens.

In summary, Sadamasa fails to disclose or suggest a catheter comprising two or more lumens, the lumens spaced apart from one another such that a periphery of one lumen is spaced apart from a periphery of another lumen by a predetermined distance in the untapered length, a corresponding distance between the periphery of said one lumen and the periphery of said another lumen in the tapered portion being different from the

predetermined distance in the untapered portion, as recited in independent claims 14 and 26.

Richardson, used by the PTO for alleged disclosure of a tip having a length of 0.10 cm to 5 cm, fails to overcome the deficiencies of Sadamasa.

Howell, used by the PTO for alleged disclosure of a tip designed to facilitate the insertion of a catheter into a vessel and to avoid patient discomfort and tissue trauma, fails to overcome the deficiencies of Sadamasa and Richardson.

For at least the foregoing reasons, the catheter as recited in each of independent claims 14 and 26 would not have been obvious to one skilled in the art provided with the disclosures of Sadamasa, Richardson, and Howell. Since claims 15-19, 22-24, 29, and 32 depend either directly or indirectly from independent claim 14, and since claims 27, 28, 30, 31, and 33 depend either directly or indirectly from independent claim 26, those claims are also believed to be allowable over the prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this file history should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

If Examiner Nguyen believes that contact with the Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the telephone noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Dated: August 7, 2009

Respectfully submitted,

Electronic signature: /Garth E. Coviello/  
Garth E. Coviello  
Registration No.: 62,700  
MARJAMA MULDOON  
BLASIAK & SULLIVAN LLP  
250 South Clinton Street  
Suite 300  
Syracuse, New York 13202  
(315) 425-9000  
Customer No.: 20874